



TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
October 6, 2009

Submitted by _____

Date _____

Received by _____

Date _____

Present: Chairman – Frederick C. Swensen¹, Vice-Chairperson – Kathleen W. Walker, Clerk – Scott D. Brown and Members - David M. Singer and Peter J. Boria. Also present, Town Administrator - Robin L. Craver.

NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

I. Call to Order:

Vice-Chairperson Walker called the meeting to order at 6:30pm with the pledge to the flag. She welcomed our new Student Selectperson – Leah Tully.

II. Consent Agenda:

1. Approval of Regular Minutes – September 22, 2009 – **Motion by Mr. Brown to approve the minutes of September 22, 2009, seconded by Mr. Singer. Vote taken: Ms. Walker, Mr. Singer and Mr. Brown – aye, Mr. Boria – abstained.**

III. Community Relations, Announcements and Open Forum:

- Vice-Chairperson Walker read the announcements.
- Mr. Singer stated that on Halloween there is a business down on Rte. 20 going towards Sturbridge that you can purchase led lights to keep your kids safe.

IV. Appointments/Resignations:

1. Energy Committee – two appointments. Mrs. Craver stated that attached are two letters of interest for appointment to the Energy Committee from Mark Turner of 192 Stafford Street and Shelley Hammond of 44 Northside Road. **Motion by Mr. Brown to appoint Mark Turner and Shelley Hammond to the Energy Committee, seconded by Mr. Boria, motion carries unanimously.**

V. Scheduled Appointments:

6:45pm – Transfer of Liquor License – Jim Garrish, Attorney and Shanta Bhattarai, new Manager were present. Mrs. Craver stated that all paperwork has been received for the transfer of a liquor license from C & S Liquor Mart & Deli, LLC, Carl Hafford, Manager to Osten Associates, LLC, d/b/a C & S Liquor Mart & Deli, Shanta Bhattarai, Manager. This license is for an Annual, All Alcohol Package Store located at 280 Southbridge Rd, Charlton. The description of the premises 30' X 40' main building with 10' X 20' extension in rear, entrance and exit in front with secondary entrance and exit also located in front of the building. The application is complete and upon the Board's approval, will be sent to the ABCC for their approval. Hearing opened at 6:46pm. **Motion by Mr. Brown to close the hearing at 6:49pm, seconded by Mr. Boria.** Mr. Singer asked if this was a new business to Mr. Bhattarai and he stated it was. Mr.

¹ Chairman Swensen entered the meeting at 6:33pm.

Singer asked if ID scanner's would be used. Mr. Bhattarai stated at this time, no. **Vote on motion: motion carries unanimously. Motion by Mr. Brown to approve the transfer as requested, seconded by Mr. Boria, motion carries.**

7:00pm – Public Meeting – Lindsey Lane. Mrs. Craver stated that the Board is scheduled to hold a public meeting for Lindsey Lane at 7:00pm. All abutters of such road have been notified by US mail and a notice of public meeting was placed in the paper. This is an article to be approved at the October 27, 2009 Special Town Meeting. The Board has approved this same request at past town meetings but due to the paperwork not being completed by the developer, it has not been successful. The Planning Board has also been provided with the layout information. The Planning Board's engineering consultant has been working with the developer and revised the easement as required. The Planning Board is recommending approval of the roadway lay-out per the revised easement. The Planning Board will present its recommendation on the street acceptance warrant article at the October 27, 2009 Special Town Meeting during consideration of the article. Should the Board consider approving such layout, our office will file the vote as made along with the metes and bounds plan of the layout to the Town Clerk who within 10 days must record the description in a book kept for this purpose. **Chairman Swensen declared the hearing opened at 6:58. With no discussion to be heard, motion by Mr. Brown to close the public hearing at 7:01pm, seconded by Mr. Boria, motion carries. Motion by Mr. Boria to approve the layout as requested for the revised easement as detailed on the attached revised asbuilt plan as recommended by the Planning Board, seconded by Mr. Brown, motion carries.**

VI. New Business:

1. Knights of Columbus Council #11379 – Voluntary Toll Road. Mrs. Craver stated that the Knights of Columbus – Charlton Council #11379 are seeking to conduct a “Tootsie Roll Drive” to benefit the Special Needs Children of the town, state and nation. They would like to set up a “Voluntary Toll Road” during Columbus Day Weekend on Saturday, October 10, 2009 from 8am – 2pm at the corner of Main St. and Masonic Home Road. Any monies gained from this drive go directly to the State Council for these children. This request has been forwarded to Chief Pervier for his recommendation and approval. Chief Pervier is in support of this request contingent upon the following safety precautions: All volunteers must wear bright colored vests (yellow, orange, green or red) while soliciting donations; Orange traffic cones must be set out on Main St. and Masonic Home Rd. for a distance of not less than 50 ft on each respective way prior to reaching the toll station. A minimum of 5 traffic cones on each roadway should be put in place at a distance no greater than 10 ft. apart; Signs warning “Voluntary Toll Ahead” must be erected on both Masonic Home Rd. and Main St. not less than 75 ft. from the toll collection area. Should the Board approve this request, I would ask that you consider including Chief Pervier's recommendations into the motion. **Motion by Mr. Singer to approve the voluntary toll road for Columbus Day Weekend, Saturday the 10th of October from 8am to 2pm at the corner of Main St. and Masonic Home Road as long as Chief Pervier's recommendations are included, seconded by Mr. Boria, motion carries unanimously.**

2. Lions Club – request for BYOB – Mrs. Craver stated that the Lions of District 33A are holding a fundraising dinner dance at the Joslin Center on Richardson Corner Road on Saturday, November 21, 2009. They are asking permission of the Board to grant them a BYOB for this event. They have been provided with a copy of the provisions the Board has used in the past for these requests. (see attached) This request was forwarded to the Police Chief, Fire Chief and Building Commissioner and all have given their approval. Should the Board approve this request, I would ask that you include in the motion of approval that the provisions for service of alcoholic beverages be posted in a conspicuous place during this event. **Motion by Mr. Boria to approve the request with the provisions as read by Mrs. Craver, seconded by Mr. Brown, motion carries unanimously.**

3. Chapter 28 of the Acts of 2009 update – Mrs. Craver stated as you are aware, Governor Patrick signed into law Chapter 28 of the Acts of 2009 which made important changes to MGL chapter 268A and Chapter 268B of the State Conflict of Interest Laws. One of these changes are mandatory education and training requirements for public employees at every level of government. These changes went into effect as of September 29, 2009. A complete copy of the Bill was emailed to you. One of the changes requires the designation of municipal liaisons which is a “senior level employee of the municipality” who will serve as its liaison to the Ethics Commission. This bill requires each municipality to make this designation acting through its Board of Selectmen and to notify the Commission in writing of such designation and of any changes to such designation. They believe that having designated liaisons in place will greatly facilitate their ability to assist municipal employees in understanding the requirements of the conflict of interest law. Once the Board designates the liaison, we will notify the State Ethics Commission to begin the process of training. There are items within this Chapter that we as a town must adhere to such as:

- providing a summary of this law to all new and current employees every year and to have all new and current employees take the online training every two years and upon completion of this online training program, the employee shall provide notice of such completion to be retained for 6 years by the town clerk; (**Please note that current employees must complete the online training by December 28, 2009**)
- Each municipal employee is required to sign a written acknowledgement that he/she has been provided with such a summary and such written acknowledgment must be filed with the town clerk;
- These summaries should be provided to all municipal employees on or before December 28, 2009 and on an annual basis thereafter. Any new employees hired after December 28, 2009 will be provided with these summaries within 30 days of the date on which they commence employment and on an annual basis thereafter. Mrs. Craver is recommending appointing Keith Arsenault, Town Treasurer as the liaison as his office deals with all employees through payroll. Ms. Walker would like to have another annual meeting on the open meeting law with our attorney for all to attend. Mr. Brown asked for clarification on the definition of employee. Mrs. Craver stated it would be any one appointed or elected as it states on any level of government. **Motion by Ms. Walker to support Mrs. Craver’s suggestion to have Keith Arsenault be our liaison to the Ethics Commission, seconded by Mr. Boria, motion carries unanimously.**

VII. Old Business:

1. STM Warrant – review – Mrs. Craver stated that she has been working with Attorney Cosgrove on the articles. She reviewed the articles. (see attached) Ms. Walker asked about Article 5, the New Highway Operations Facility and asked if there was any new information. Mrs. Craver stated that the Highway Barn Committee have met with an architect and are forwarding a new number of 2.7 million for a new design. After discussion, Chairman Swensen stated that his thought on this process was to have the board meet with Fin Com for discussion on the articles. **Motion by Mr. Boria to approve the warrant for posting as presented tonight, seconded by Mr. Brown.** Chairman Swensen stated that at our next meeting the Board will express their desire to support each article or not. **Vote taken on motion: motion carries unanimously.** Mr. Singer asked if the Town Administrator would have the reverse 911 call ready to remind residents and to make the video of the warrant to be shown on TV prior to town meeting.
2. Town Administrator Evaluation – Chairman Swensen stated that all members were given a form to fill out and present at tonight’s meeting. He asked them to forward so he can tally.

Ms. Walker feels we should vote on the revised form by Town Counsel first. **Motion by Mr. Brown to approve the form, seconded by Mr. Boria, motion carries.** While Chairman Swensen tallied up the forms, Mr. Boria announced that the monument is completed and they are ready to put some names on the monument. If you served in Iraq or Afghanistan, please fill out a DD214 and submit it to the Veterans office. After tallying the results – Chairman Swensen gave the results for each category. Category 1 - Board relations – 4.2 = strong performance; Category 2 – Personnel - 3.2 = satisfactory/acceptable; Category 3 – Financial Management - 3.8 = satisfactory/acceptable; Category 4 – General Management – 3.6 = satisfactory/acceptable; Category 5 – Community relations – 4.4 = Strong performance; Category 6 – Interdepartmental relations - 3.2 = Satisfactory/acceptable; and Category 7 – Completion of BOS FY09 Goals and Objectives - 4 = strong performance. Chairman Swensen asked the board if they had any comments on the evaluation process. Mr. Brown thanked Mrs. Craver for the effort and commitment and he appreciates what she does. Chairman Swensen stated that it has been a pleasure to work with Mrs. Craver and the town is very fortunate to have her. Ms. Walker does not agree with the policy that the state has required that we do evaluations in public sessions. She will work to try and change it. She stated that she met with Mrs. Craver yesterday over her review and proceeded to read what she has written. Mr. Boria appreciates all the hard work that the Town Administrator does and I truly believe that she works with the town’s best interest in mind and he appreciates it. Mrs. Craver appreciates all of the comments and looks forward to continue working with the Board.

VIII. Student Selectperson Report – Leah Tully. Ms. Tully read her report on the current activities at Shepherd Hill.

IX. Town Administrator Report: (see attached) Mrs. Craver would agree with Ms. Walker and recommend that a training session be put in effect soon for the changes to the open meeting law.

Mrs. Craver stated that the overlay is an account that the Board of Assessors hold against possible abatements or non taxes or things that they anticipate. They collect the money and put it aside. The Board of Selectmen may, by a request, ask the Board of Assessors to review those accounts and release any monies that they feel are releasable at this time. **Motion by Mr. Boria to ask the Assessors to reduce the amount in the overlay account, seconded by Mr. Brown.** Mr. Brown clarified that this will not be considered as a recurring item every year, this is a one time event for this year. **Vote taken: motion carries unanimously.**

X. Other Business:

XI. Adjourn/Executive Session: **Motion by Mr. Boria to go into executive session at 7:23pm under M. G. L. Chapter 39, section 23B, #3, seconded by Mr. Brown. Roll call vote: Mr. Singer – aye, Mr. Boria – aye, Mr. Brown – aye, Ms. Walker – aye and Chairman Swensen – aye.** Chairman Swensen stated that the Board will reconvene to open session for the purpose of adjourning.

XI Next Meeting Announcement:

- Next Regular Selectmen’s Meeting – October 20, 2009
- Special Town Meeting – October 27, 2009

Respectfully submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

Frederick C. Swensen, Chairperson

Kathleen W. Walker, Vice-Chairman

Scott D. Brown, Clerk

David M. Singer, Member

Peter J. Boria, Member